



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,134	12/06/2004	Junbiao Zhang	PU020267	6840
Joseph S Tripoli 7590 Thomson Licensing Inc PO Box 5312 Princeton, NJ 08543-5312			EXAMINER PARTHASARATHY, PRAMILA	
			ART UNIT 2436	PAPER NUMBER
			MAIL DATE 09/08/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/517,134

Applicant(s)

ZHANG, JUNBIAO

Examiner

PRAMILA PARTHASARATHY

Art Unit

2436

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed 4/19/2010 have been fully considered but they are not persuasive.

2. Regarding the argument against the obviousness-type double patenting, Examiner respectfully submits that

- "receiving from the broker, a first key; receiving from a user device, a second network to user certificate that includes a broker to second network certificate and a second key", is analogous to "receiving, by the ... mobile device a first key from the second network and receiving .. a first certificate from the second network, the first certificate includes an identifier associated with the second network ", regardless of the wording, further,

- "generating a session key, encrypting the session key using the second key, and transmitting the encrypted session key to the user device " still maps to "generating a session key by the first network, the session key having a signature using a private key of the first network and transmitting the session key and the second certificate to the mobile device by the first network", regardless of the wordings first network, it is still transmitting the session key to the mobile device, which has been recited as a user device,

- perhaps the only difficult difference that makes use of the alleged invention is "communicating with the user device using the session key" vs. "allowing the mobile device to access the first network using the session", where the language in the patent describes the producing/generating session key having a signature using a private key, however the result still the same, i.e., generating a session key.

3. Therefore, the main, and arguably only, difference is the structure used to make the determination about generating a session key, while the patent is more specific as to the usage

of a private key to generate a session key, it merely consists of a substitution of what is used to make the determination. Applicant's arguments are not persuasive.

Examiner respectfully maintains the double patenting rejection with the instant claims 1 – 18 and requests the Applicant to file the Terminal disclaimer to overcome the rejection.

Drawings

4. Regarding the argument against Fig.2 depicting "the second network capable of communicating with a broker", Examiner does not agree that this language is explicitly set forth in claim 1 as filed, is shown in Fig.2.

230 broker communicates with the 210 cellular network

230 broker communicates with the 220 WLAN.

Fig. 2 does not show any communication from 220 WLAN to 230 broker; it does not show any communication from 210 cellular network with 230 broker. That is, the communication between broker (230) and second network is not bi-directional.

Examiner respectfully maintains objections to the drawing.

Claim Rejections - 35 USC § 112

5. Regarding the argument against 35 USC 112 first paragraph rejection, Examiner does not agree that this language is explicitly set forth in claim 1 as filed, is shown in Fig.2.

230 broker communicates with the 210 cellular network

230 broker communicates with the 220 WLAN.

Fig. 2 does not show any communication from 220 WLAN to 230 broker; it does not show any communication from 210 cellular network with 230 broker. That is, the communication between broker (230) and second network is not bi-directional.

Examiner respectfully maintains the 35 USC 112 First paragraph rejection.

6. Regarding the argument against 35 USC 112 second paragraph rejection, Examiner does not agree with the presented argument. Instant paragraph explicitly discloses "authenticating the broker to the second network certificate", "authenticating the second network to user certificate" and "encrypting the session key" in paragraphs [0028 – 0031], before any usage of "the encrypted session key", that is, decrypting the session key by the mobile user.

Examiner respectfully maintains the 35 USC 112 second paragraph rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 14 – 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. A patent applicant who employs means-plus-function language must set forth in the specification an adequate disclosure showing what is meant by that language. It is not apparent to the examiner where in the specification and drawings there is any support for the following particular claim limitations reciting a means to accomplish a function:

"means for transmitting a broker public key to the wireless network"; in claim 14;

"means for transmitting a broker to a second network certificate"; in claim 14;

"means for authenticating the second network to user certificate"; in claim 14;

"means for generating a session key and encrypting the session key with the user public key"; in claim 14;

"means for receiving from a second network"; in claim 16;

"means for transmitting said second network to user certificate"; in claim 16;

"means for receiving a session key generated by said first network"; in claim 16;

"means for communicating with said first network using said session key"; in claim 16;

As noted above, these limitations are rejected as being indefinite for failing to particularly point out and distinctly claim the invention. The structure cannot be determined.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PRAMILA PARTHASARATHY whose telephone number is (571)272-3866. The examiner can normally be reached on 8:00a.m. to 5:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.